

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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I. LEHRHOFF AND CO., INC.,

Plaintiff,

-against-

M/V "BAO ZHONG 68", her engines, boilers, etc.,

-and against-

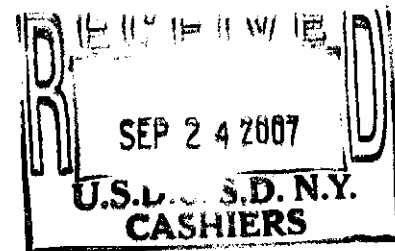
EVERGREEN MARINE CORPORATION and  
DYNAMIC NETWORK CONTAINER LINE, LTD.,

Defendants.  
-----X

**JUDGE LEISURE**

**VERIFIED COMPLAINT**

07 **07 CIV 8300**



1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, I. LEHRHOFF AND CO., INC., is a legal entity organized under the law, with an office located at 351 Mill Road, Edison, New Jersey 08837. Defendant, EVERGREEN MARINE CORPORATION, is a legal entity organized under the law, with an office located at 1 Evertrust Plaza, Jersey City, New Jersey 07302. Defendant, DYNAMIC NETWORK CONTAINER LINE, LTD., is a legal entity organized under the law with an agent, Ford Pointer Shipping (N.Y.), Inc., 177-25 Rockaway Blvd., #218, Jamaica, New York 11434.
3. During all times mentioned, defendant was the owner and/or operator of the M/V "BAO ZHONG 68" and operated it in the common carriage of goods by water for hire between Fuzhou and New York.

4. The M/V "BAO ZHONG 68", is now or during the pendency of this action will be, within this District.
5. On or about September 26, 2006, China International Freight Co., Ltd. delivered a shipment of 318 cartons of household goods to defendants, as a common carriers at the port of Fuzhou in good condition, for transportation on board the M/V "BAO ZHONG 68" to New York, in consideration of an agreed freight and pursuant to the valid terms and conditions of clean on-board bills of lading issued by defendants and the M/V "BAO ZHONG 68".
6. Defendant caused said goods, still in good order and condition to be laden on-board the M/V "BAO ZHONG 68". On or about November 10, 2006, the M/V "BAO ZHONG 68" arrived at the port of New York and delivered said shipment in a short, slack and damaged condition.
7. Prior to November 10, 2006, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$4,251.07, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

**WHEREFORE**, plaintiff prays:

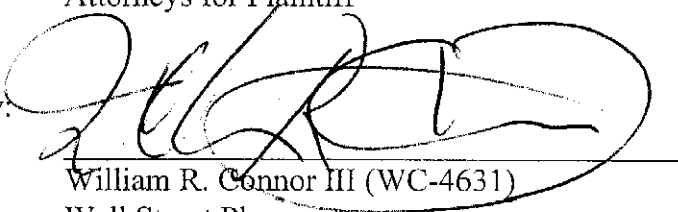
1. That the M/V "BAO ZHONG 68" be arrested;

2. That process issue against defendants EVERGREEN MARINE CORPORATION and DYNAMIC NETWORK CONTAINER LINE, LTD. and that defendants be cited to appear and answer the allegations of the Complaint.
3. That an interlocutory judgment be entered in favor of the plaintiff against the M/V "BAO ZHONG 68", against defendants directing that the plaintiff recovery its damages and that the M/V "BAO ZHONG 68", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the court, pursuant to Rule 42(b).
5. That final judgment against defendants and the M/V "BAO ZHONG 68", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York  
September 20, 2007

McDERMOTT & RADZIK, LLP  
Attorneys for Plaintiff

By:



William R. Connor III (WC-4631)  
Wall Street Plaza  
88 Pine Street  
New York, New York 10005  
212-376-6400

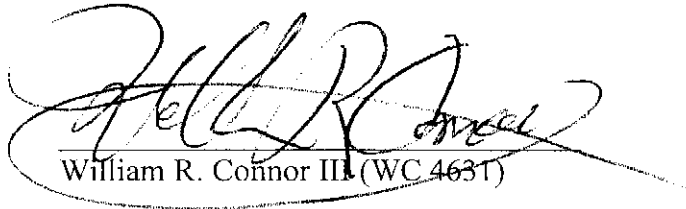
STATE OF NEW YORK     )  
                                      : S.S.  
COUNTY OF NEW YORK    )

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

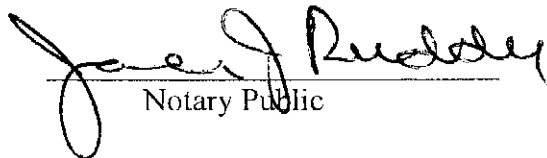
I am a member of the firm of McDermott & Radzik, LLP. attorneys for the Plaintiffs in this action.

I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.

  
William R. Connor III (WC 4631)

Sworn to before me this  
21<sup>st</sup> day of September, 2007

  
Notary Public

JAMES J. RUDDY  
Notary Public, State of New York  
No. 30-5008922  
Qualified in Nassau County  
Commission Expires March 8, 2011